

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:11cv73**

**FEDERAL DEPOSIT INSURANCE )  
CORPORATION, as Receiver for THE )  
BANK of ASHEVILLE, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
KENNETH PORTER-SHIRLEY, )  
 )  
Defendant. )  
\_\_\_\_\_ )**

**ORDER**

Pending before the Court is the Motion for Reconsideration [# 16]. The summary judgment deadline in this case expired on November 18, 2011. On December 2, 2011, the parties filed a motion requesting that the Court extend the deadline and allow Plaintiff to file an untimely summary judgment motion. The Court denied the motion without prejudice. (Order, Dec. 13, 2011.) Over two month later, Plaintiff requests that the Court reconsider its prior Order and allow it leave to file a summary judgment motion out of time.

Upon a review of the record, the Court **DIRECTS** the parties to appear for a Pretrial Conference on April 5, 2012, at 10:30 a.m. in Courtroom 2 at the United States District Court Western District of North Carolina, Asheville Division, 100

Otis Street, Asheville, North Carolina. The Court **INSTRUCTS** David R. Payne, Esq. that he is still counsel of record for Defendants in this case and **DIRECTS** him and the defendant to appear for the Pretrial Conference. Mr Payne will not be required to appear if he is allowed to withdraw prior to the date of the conference. The Court will allow Mr. Payne five (5) days from the entry of this Order to file a renewed Motion to Withdraw. The Court will deny the motion if it fails to comply with the Local Rules or fails to set forth good cause for his withdrawal. At the Pretrial Conference, the Court will consider Plaintiff's Motion for Reconsideration, however, the Court **ADVISES** the parties that they should be prepared to start trial in this matter on April 16, 2012.

Signed: March 7, 2012

A handwritten signature in cursive script, reading "Dennis L. Howell", written over a horizontal line.

Dennis L. Howell  
United States Magistrate Judge

